

SEP 28 2007

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANDREW R. MONTANO,

Defendant - Appellant.

No. 07-10033

D.C. No. CR-05-00513-AWI

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, District Judge, Presiding

Submitted September 24, 2007**

Before: CANBY, TASHIMA and RAWLINSON, Circuit Judges.

Andrew R. Montano appeals from his guilty-plea conviction and the 156-month sentence imposed for use of a facility of interstate commerce to induce a minor to engage in criminal sexual activity, in violation of 18 U.S.C. § 2422(b).

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Montano's counsel has filed a brief stating that he finds no meritorious issues for review, along with a motion to withdraw as counsel of record. No pro se supplemental brief or answering brief has been filed.

Our examination of the brief and our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83-84 (1988), disclose no arguable issues for review on direct appeal.

Appellant's pro se motion for appointment of counsel is **DENIED**. Counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.